

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Advanced Methods to Target and Eliminate)	CG Docket No. 17-59
Unlawful Robocalls)	

JOINT REPLY COMMENTS OF 18 INDUSTRY PARTICIPANTS

TCPA DEFENSE FORCE

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JOINT REPLY COMMENTS OF 18 INDUSTRY PARTICIPANTS

The parties listed in **Appendix A** (the “Industry Participants”) either use text messaging to engage customers or are service providers that facilitate opt-in only text messaging services. The Industry Participants respectfully submit these Joint Reply Comments in order to join in the comments filed by Tatango, Inc. on August 28, 2017. The Industry Participants are fully in support of Tatango’s comments filed in response to the Federal Communications Commission’s (“FCC” or “Commission”) Second Notice of Inquiry (“NOI”),¹ which seeks input regarding potential solutions to address robocalls made to telephone numbers that have been reassigned to a new user.

As Tatango’s comments demonstrate, the Commission’s flawed 2015 Declaratory Ruling and Order has needlessly created potential problems by imposing liability for good-faith actors, like ourselves, if texts are inadvertently sent to a reassigned cell phone number, after the one-call safe harbor, despite recognizing that companies “lack guaranteed methods to discover all reassignments immediately after they occur.”² As indicated by the comments filed in this proceeding, this problem is so widespread that voice service providers, platform providers, and

¹ *In re Advanced Methods to Target and Eliminate Unlawful Robocalls*, Second Notice of Inquiry, FCC 17-90, CG Docket No. 17-59 (July 13, 2017).

² *In re Rules and Regulations Implementing the Telephone Consumer Protection Act*, Declaratory Ruling and Order, FCC 15-72, CG Docket No. 02-278, ¶ 85 (Rel. July 10, 2015).

consumer interest organizations are eager for the Commission to implement rules addressing the issue. In doing so, it will not only protect the ability of consumers to receive the communications they desire but also prevent the predatory and abusive TCPA litigation that often arises from inadvertent calls and text messages to reassigned numbers.

With these thoughts in mind, we urge the Commission to require the separate reporting of permanently disconnected telephone numbers by all wireless and VoIP providers and to adopt rules allowing Commission-accredited aggregators to access reports from wireless carriers and make the aggregated data available to robocallers and platform providers at a price to be determined by the market. As Tatango noted in its comments, such an industry-focused solution would be the easiest for the Commission and callers to implement as it builds on the efforts that many in the industry have already made to address the issue.³ It would also take much less time (and be much cheaper) to implement compared to the other inferior proposals mentioned, thereby achieving the Commission's goals in a much shorter timeframe.

Further, and more importantly, we ask that the Commission propose and adopt a safe harbor for callers who use a comprehensive and FCC-accredited reassigned number database. In particular, we believe the safe harbor provision proposed by Tatango⁴ would be the most

³ Comments of Tatango, Inc. in Response to the Second Notice of Inquiry, CG Docket No. 17-59, at 11 (Aug. 28, 2017).

⁴ *Id.* at 10. The safe harbor proposed by Tatango reads:

Any person or entity making telephone solicitations (or on whose behalf telephone solicitations are made), whether via voice call, SMS, MMS, or other technology, will not be liable for violating the requirements of 47 C.F.R. § 64.1200(a)(1)(iii) if:

(i) It can demonstrate that it has prior express consent to call the number, and that as part of its routine business practice, it meets the following standards:

effective, as it will promote participation in the database system and further the FCC's mission of eliminating inadvertent communications and oppressive TCPA litigation.

We applaud and thank the Commission for its focus on ways to minimize text messages to reassigned telephone numbers and are eager to work with the Commission and the industry to develop an efficient and effective solution that enables text message providers to remove disconnected numbers from their databases. As Tatango noted in its comments, the industry itself has been working to tackle this problem, and, with access to better and more complete data, it will greatly benefit callers and consumers alike.⁵

Respectfully Submitted,



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Counsel to Industry Participants

(A) Written procedures. It has established and implemented written procedures to avoid making calls or sending messages to disconnected telephone numbers;

(B) Removing disconnected numbers based on data from an accredited aggregator. It uses a process to prevent telephone solicitations to any telephone number reported as having been recently disconnected, by verifying, based on data obtained from a Commission-accredited reassigned number aggregator no more than 15 days prior to the date any call is made, that it has removed all numbers listed as recently disconnected, and maintains records documenting this process.

⁵ *Id.* at 9-11.

EXHIBIT A
INDUSTRY PARTICIPANTS

Adva Mobile Corp.
P.O. Box 5095
Wayland, Massachusetts 01778

Advanced Telecom Services
1150 First Avenue
Suite 105
King of Prussia, Pennsylvania 19406

Auspicious Fish, Inc.
815 North Homestead Boulevard
P.M.B. 218
Homestead, Florida 33030

Big Oyster, Inc.
520 White Plains Road
Suite 500
Tarrytown, New York 10591

Blue Heart Imports
1530 South State Street
Suite 1016
Chicago, Illinois 60605

Call-Em-All
2611 Internet Boulevard
Suite 120
Frisco, Texas 75034

eDealColorado
7400 East Orchard Road
Greenwood Village, Colorado 80111

Global Callcenter Solutions
225 West Second Street
Pueblo, Colorado 81003

Gold Group Enterprises, Inc.
621 Lake Avenue
Unit 3A
Asbury Park, New Jersey 07712

Healthy Habitz 4 Life
545 South Main Street
Frankenmuth, Michigan 48734

Incept, LLC
645 Clyde Avenue
Mountain View, California 94043

Mobiniti
7 South Main Street
Suite 201F
Wilkes-Barre, Pennsylvania 18701

Purplegator
1150 First Avenue
Suite 105
King of Prussia, Pennsylvania 19406

Schofield's Ace Hardware
155 South Cashua Drive
Florence, South Carolina 29501

SimpleTexting
1815 Purdy Avenue
Miami Beach, Florida 33139

Skycore, LLC
397 Moody Street
Suite 202
Waltham, Massachusetts 02453

The Prosper Group
435 East Main Street
Suite 250
Greenwood, Indiana 46143

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3320 Southwest Harrison Street
Topeka, Kansas 66611